

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ARLENE CAMPBELL,

Plaintiff(s),

vs.

CITY OF SAN FRANCISCO,

Defendant(s).

No. C 07-3856 MEJ

**ORDER REASSIGNING CASE**

**REPORT AND RECOMMENDATION  
RE: PLAINTIFF'S APPLICATION TO  
PROCEED IN FORMA PAUPERIS**

Currently pending before the Court is Plaintiff Arlene Campbell's Application to Proceed In Forma Pauperis, filed July 27, 2007. As this case has been randomly assigned to a magistrate judge, the undersigned requested that Plaintiff file the necessary consent to magistrate jurisdiction or request for reassignment to a district judge. (Doc. #4.) To date, Plaintiff has not complied with this Court's order. Accordingly, the undersigned is without jurisdiction to rule on Plaintiff's application and **ORDERS** the Clerk of Court to reassign this case to a district judge.

The district court may authorize a plaintiff to file an action in federal court without prepayment of fees or security if the plaintiff submits an affidavit showing that he or she is unable to pay such fees or give security therefor. 28 U.S.C. § 1915(a). When a complaint is filed in forma pauperis, it must be dismissed prior to service of process if it is frivolous or malicious, fails to state a claim, or seeks monetary damages from defendants who are immune from suit. See 28 U.S.C. §

1 1915(e)(2); see also Franklin v. Murphy, 745 F.2d 1221, 1226-27 (9th Cir. 1984). When a  
2 complaint is dismissed under § 1915(e), the plaintiff should be given leave to amend the complaint  
3 with directions as to curing its deficiencies, unless it is clear from the face of the complaint that the  
4 deficiencies could not be cured by amendment. Cato v. United States, 70 F.3d 1103, 1106 (9th Cir.  
5 1995).

6 In the present case, the undersigned finds that Campbell's complaint fails to state a claim  
7 because she fails to allege any basis for federal jurisdiction over the instant action, fails to  
8 adequately set forth the factual and legal basis of her claim(s), and fails to set forth the type of relief  
9 she seeks from the Court. See Fed. R. Civ. P. 8(a) (requiring that complaint set forth "a short and  
10 plain statement of the grounds upon which the court's jurisdiction depends," "a short and plain  
11 statement of the claim showing that the pleader is entitled to relief," and "a demand for judgment for  
12 the relief the pleader seeks"). Accordingly, the undersigned RECOMMENDS that the District Court  
13 dismiss Plaintiff's complaint without prejudice. The undersigned further RECOMMENDS that the  
14 District Court permit Plaintiff one month from the date her complaint is dismissed to file an  
15 amended complaint. If Plaintiff fails to file an amended complaint within that time, the undersigned  
16 RECOMMENDS that the District Court dismiss the above-titled action with prejudice.

17 Pursuant to Federal Rule of Civil Procedure 72, a party may serve and file objections to this  
18 Report and Recommendation within 10 days after being served with a copy of said report.

19 **IT IS SO ORDERED AND RECOMMENDED.**

20  
21 Dated: August 20, 2007

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24 MARIA-ELENA JAMES  
25 United States Magistrate Judge  
26  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ARLENE CAMPBELL,

Case Number: CV07-03856 MEJ

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

CITY HALL et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 20, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Arlene Campbell  
1388 Haight Street, #8  
San Francisco, CA 94117

Dated: August 20, 2007

Richard W. Wieking, Clerk  
By: Brenda Tolbert, Deputy Clerk